Exhibit 4

Exhibit 62

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

WILLIAM THORPE, *et al.*,	)
	)
Plaintiffs,	)
	)
v.	) Civil Case No. 2:20-cv-00007-JPJ-PMS
	)
VIRGINIA DEPARTMENT OF	)
CORRECTIONS, *et al.*,	)
	)
Defendants.	)
	)

DECLARATION OF JON TALOTTA

I, Jon Talotta, pursuant to 28 U.S.C. § 1746, declare as follows:

1.   I am an attorney duly admitted to practice law in this Court, the Commonwealth of Virginia, the Eastern District of Virginia, the Fourth Circuit, and the U.S. Supreme Court.

2.   I am a partner at Hogan Lovells US LLP ("Hogan Lovells"), and have personal knowledge of the facts contained in this declaration, or knowledge based on my review of documents in the possession of Hogan Lovells. Hogan Lovells is counsel for Plaintiffs in the above-captioned litigation, and I submit this declaration in support of Plaintiffs' Amended Motion for Class Certification and Amended Memorandum of Law in Support thereof.

3.   Hogan Lovells seeks appointment as class counsel for the proposed classes in this action under Rule 23(a)(4) and 23(g) of the Federal Rules of Civil Procedure. My declaration states facts related to Hogan Lovells' appointment and myself. As set forth below, Hogan Lovells possesses the class action experience, knowledge of the relevant substantive areas of law, and

resources necessary to fairly and adequately represent the interests of the proposed classes in this action.

4.   I am a 1999 graduate of the University of Virginia School of Law, where I received my Juris Doctor degree. I was admitted to the Virginia State Bar in 1999 and the District of Columbia bar in 2001.

5.   I have maintained an active litigation practice for over 20 years. Since 2004, I have worked at Hogan Lovells. I currently serve as the Northern Virginia office manager for Hogan Lovells' Litigation, Arbitration, and Employment practice, and my work includes representing clients in complex civil litigation matters. I also am a devoted pro bono litigator, working on actual innocence cases and civil justice impact lawsuits. As part of my pro bono practice, I have developed deep experience representing individuals challenging violations of their civil and constitutional rights. For the past six years, through June 2022, I served as a member of the Board of Directors of the Mid-Atlantic Innocence Project.

6.   The Hogan Lovells team also includes E. Desmond ("Des") Hogan and Joe Cavanaugh.

7.   Des Hogan is Head of Hogan Lovells' global Litigation, Arbitration, and Employment practice, and his practice includes representing clients in complex civil litigation matters. He received his J.D. from Howard University School of Law, *summa cum laude*, and his B.A. from Allegheny College. He is regarded by Chambers and Partners as one of the preeminent civil litigation attorneys in the country, and he currently serves as a Member of the Board of Directors for the Lawyers' Committee for Civil Rights Under Law.

8.   Joe Cavanaugh currently serves as Hogan Lovells' senior associate in charge of U.S. Pro Bono, working full-time on litigating high-profile civil rights cases and managing the

firm's Pro Bono practice. He received his J.D. from Georgetown University Law Center, *cum laude*, in 2018 and received his B.A. from the College of the Holy Cross, *magna cum laude*, in 2012. Mr. Cavanaugh's billable practice includes commercial litigation matters.

9.   Hogan Lovells is one of the largest law firms in the world, with more than 2,500 attorneys practicing law in more than 40 offices worldwide. In 1970, Hogan Lovells (then Hogan & Hartson) was the first law firm to establish a freestanding pro bono practice. Over the past 50-plus years, Hogan Lovells has devoted more than 2 million pro bono hours to those in need. This commitment has included extensive work on the issues surrounding solitary confinement. In particular, Hogan Lovells served as co-lead counsel in *Porter v. Clarke*, No. 1:14-cv-01588-LMB-IDD (E.D. Va.), in which Hogan Lovells successfully challenged Virginia's use of solitary confinement on death row in Virginia, obtaining a landmark ruling that solitary confinement violates the Eighth Amendment. Hogan Lovells is also committed to other criminal justice matters. Alongside a team of Hogan Lovells attorneys, Mr. Hogan and Mr. Cavanaugh recently won the largest jury verdict in U.S. history in a wrongful conviction case ($75 million, later adjusted to $111 million when post-judgment interest was added). For its work on this matter, Hogan Lovells won Public Justice's 2022 Trial Lawyers of the Year award. For my part, I have been and currently am serving as lead counsel for Virginia prisoners in actual innocence cases, including one proven to be innocent of the crimes for which he was convicted, *Montgomery v. Commonwealth of Virginia*, 62 Va. App. 656 (Va. Ct. App. 2013) ([Virginia Continues to mangle Justice In Johnathan Montgomery case - The Washington Post](#)).

10.   Attorneys from Hogan Lovells, including those who are also counsel in this case, also have significant experience litigating class action suits, including in the prison context. For example, Mr. Hogan has been co-lead counsel in some of the largest class actions in the country

in the past 20 years, including *In Re Uber Data Breach Litigation* (MDL-2826), *In re Anthem Data Breach Litigation* (MDL-2617), *In Re Blue Cross Blue Shield Antitrust Litigation* (MDL-2406), *In Re WellPoint Out-of-Network Rate Litigation* (MDL-2074), and *In Re Managed Care Litigation* (MDL-1334). Mr. Hogan also has significant experience litigating prison-related issues, including serving as co-lead counsel in two class actions against, among others, the Virginia Department of Corrections (*Gartrell, et al. v. Ashcroft, et al.* (D.D.C. 01-01895 (HHK)), *Jackson, et al. v. District of Columbia, et al.* (D.D.C. 99-03276 (HHK))). And Mr. Hogan has also been co-lead counsel in a number of cases in which the wrongful imprisonment of people unconstitutionally held in Virginia prisons (*Seretse-Khama v. Ashcroft*, 215 F. Supp. 2d 37 (2002); The Hogan Lovells Lawyer Who Helped Clear One of the Norfolk Four (typepad.com)) and elsewhere (Texas Governor Pardons 35 Convicted in Drug Sting - The Washington Post) was at issue. This Hogan Lovells team has more than sufficient experience and resources to prosecute this case vigorously.

11.   Hogan Lovells intends to devote significant hours of attorney time into prosecuting this case. Des Hogan, Joe Cavanaugh, and I will supervise a team of associates to work on this case, as well as paralegals and support staff. Hogan Lovells is familiar with the laws applicable to this case and with the state and local rules; it is ready, willing, and able to prosecute this case on behalf of Plaintiffs and the proposed classes.

12.   I am aware of no conflicts of interest between myself, Hogan Lovells, and any members of the proposed classes.

I declare under penalty of perjury that the foregoing is true and correct. Executed this August 12, 2022.

/s/ *Jon Talotta*
Jon Talotta